UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

February 11, 2014

VIA EMAIL AND FIRST CLASS MAIL

M. Joel Bolstein, Esq.
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RE: North Penn Area 5 Superfund Site, Docket No. CERC-03-2014-0060DC
Proposed Administrative Settlement Agreement and Order on Consent

Dear Joel:

This letter sets forth the response of the U.S. Environmental Protection Agency, Region III ("EPA" or the "Agency") to your letter of January 24, 2014, which transmitted general and technical comments on behalf of Stabilus, Inc. ("Stabilus") and Constantia Colmar, Inc. ("Constantia") (collectively, "the Parties") to EPA's proposed Administrative Settlement Agreement and Order on Consent, Docket No. CERC-03-2014-0060DC ("AOC").

Response to Technical Comments

Screening Value

The Parties recommend that the vapor intrusion assessment screening value be set at 100 $\mu g/m^3$, instead of 29 $\mu g/m^3$.

Using the sub-slab-to-indoor air modeling assumptions inherent to the Vapor Intrusion Screening Level ("VISL") calculator found in EPA's "Draft Guidance for Evaluating the Vapor Intrusion to Indoor Air Pathway from Groundwater and Soils (Subsurface Vapor Intrusion Guidance)," November 2002 ("VI Guidance"), a concentration of 29 $\mu g/m^3$ of volatile organic compounds ("VOCs") in the sub-slab represents a projected indoor air concentration (2.9 $\mu g/m^3$) of VOCs, which would yield a Hazard Quotient (HQ) of 0.33 and an excess cancer risk of 9.7E-07 under a commercial worker exposure scenario. Since non-cancer endpoints drive risks for trichloroethene ("TCE"), the HQ drives the establishment of screening levels. Typically, for screening purposes, the HQ is set at 0.1 to determine the need for further evaluation.

Additionally, because the proposed Phase I vapor intrusion assessment is limited to a particular location at the Facility, would utilize a limited number of samples, and the assessment would consist only of sub-slab sampling (and not include, for example, indoor air sampling), it is appropriate to utilize a conservative screening level. Therefore, EPA rejects the Parties' comment that 100 $\mu g/m^3$ be utilized as the screening level for the vapor intrusion assessment. The assessment must use a screening level of 29 $\mu g/m^3$.

Number of Sub-Slab Samples

The Parties recommend that the number of sub-slab samples required for the vapor intrusion assessment be reduced from six to four because EPA indicated in earlier conversations that eight sub-slab samples would be required if an assessment were to be performed on the entire Constantia building.

Because the vapor intrusion assessment as envisioned by the proposed AOC limits assessment to the rear one-third of the Constantia building rather than assessing the entire building and does not utilize other methods of sampling (e.g. indoor air sampling), it is critical that a sufficient number of samples is taken, given the variability of soil gas concentrations spatially. It is EPA's technical opinion that the appropriate number of samples for the assessment area is six. Therefore, the Agency rejects the Parties' request that the number of samples be reduced to four.

Phased Approach for VI Assessment

During prior discussions regarding the performance of a vapor intrusion assessment at the Constantia facility, EPA expressed its preference that the assessment be performed throughout the entire building. However, for the purposes of negotiating the proposed AOC, the Agency agreed to consider a "phased approach," wherein the rear one-third of the Constantia building would be sampled first and, if the sampling results exceeded a certain level, the remainder of the building would be sampled. In their comments to EPA's proposed AOC, the Parties have proposed further dividing the rear one-third of the building into a "northern" and "southern" area, with additional constraints on ensuing activities dependent on the concentrations found in the "northern" and "southern" areas. EPA does not agree that this further subdivision of the sampling area is appropriate.

Safety Issues – Certain Areas of Building

In your January 24 letter, the Parties indicated that certain areas of the Constantia building are unsafe for the drilling required to perform sub-slab sampling, specifically the ink room and the parts wash room. Additionally, the Parties raised concerns about dust potentially created by drilling in the press room, and about the impact of the thermal oxidizer on samples taken in the room in which the thermal oxidizer operates.

As we discussed during our telephone conversation on January 29, 2014, the Agency will consider these safety issues when working with the Parties regarding the placement of sampling locations for the Phase II portion of the vapor intrusion assessment, should that phase be

necessary. However, EPA asks the Parties to share any documentation about the types of solvents used in the ink room and the parts wash room and the ventilation or other activities, such as lower explosive limit ("LEL") monitoring or other monitoring, undertaken to assure that the rooms remain safe for workers. The Agency expects that this issue, as well as the issues regarding the dust and the impact of the thermal oxidizer, will be discussed between the technical representatives of the Parties and EPA during the preparation of the Response Action Plan ("RAP") contemplated by the AOC.

General Comments

Preemptive Mitigation System

The Parties requested that the proposed AOC include language that would authorize the Parties to install a mitigation system subsequent to the sampling in the rear one-third of the Constantia building. EPA has considered this comment and has modified the AOC to include such language. The revised AOC is enclosed with this letter.

Modeling

The Parties have requested a copy of the modeling performed by EPA as referenced in Paragraph 17 of the proposed AOC. As explained in my November 27, 2013 email to you, EPA's toxicologist used the VISL calculator available in the VI Guidance to perform the calculations. A copy of the default VISL calculation for estimating indoor air concentration and associated risk based on measured sub-slab levels of TCE is enclosed with this letter.

Time-Periods

The Parties have requested to extend the time-period for submission of the RAP (Paragraph 41, now Paragraph 44) from 5 to 20 business days, and the Final Report (Paragraph 48, now Paragraph, now Paragraph 51) from 20 to 35 calendar days. EPA is willing to extend the time-period for submission for the RAP to 10 business days and the time period for submission of the Final Report to 28 calendar days.

Paragraph 17 Revisions

EPA has considered your comments about the language in Paragraph 17 and revised the paragraph to read as follows:

> The Vapor Intrusion Screening Level ("VISL") calculator referenced in EPA's November 2002 Draft Guidance for Evaluating the Vapor Intrusion to Indoor Air Pathway from Groundwater and Soils (Subsurface Vapor Intrusion Guidance) ("VI Guidance") and found at http://www.epa.gov/oswer/vaporintrusion/guidance.html#Item6, indicates that if TCE exists in groundwater beneath the Facility Building at the levels observed in TW19 (i.e., greater than 7,000 µg/L), TCE may be present in the air inside the Facility Building at 2,820 µg/m3, which would

present a cancer risk of 9.4E-04 and a Hazard Quotient ("HQ") (non-cancer risk) of 320 under a long-term industrial exposure scenario. These risks exceed EPA's range of acceptable risk for cancer (1E-04 to 1E-06) and non-cancer (HQ=1) endpoints.

Because the AOC now includes the selection of a preemptive vapor intrusion mitigation system, it is necessary that this language regarding the potential risks of vapor intrusion be included.

As we discussed during our telephone call on January 29, 2014 and as described above, EPA disagrees with many of the comments submitted by the Parties. Negotiations regarding the performance of a vapor intrusion assessment at the Constantia facility have been ongoing since the end of November 2013. Throughout the process, EPA has repeatedly indicated that the vapor intrusion assessment must be performed as soon as possible, given the potential risks presented by the levels of trichloroethene ("TCE") observed in recent samples of the overburden groundwater near the rear of the Constantia facility. The enclosed AOC represents EPA's final offer for Stabilus and Constantia to perform the vapor intrusion assessment. EPA is prepared to mobilize its resources to perform a Fund-lead vapor intrusion assessment and seek recovery of the costs of that assessment from Stabilus and Constantia at a later date if the Parties do not submit to EPA a fully-executed Settlement Agreement by close of business on Wednesday, February 19, 2014.

If you have any questions, please contact me at 215-814-2631.

Sincerely,

Allison F. Gardner

Enclosures

cc: David Rockman, Esq.